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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,001	06/25/2007	Martin Knaipp	5367-257PUS	2456
7590 01/29/2009 Thomas Langer Cohen, Pontani, Lieberman & Pavane 551 Fifth Avenue, Suite 1210 New York, NY 10176			EXAMINER LEE, EUGENE	
			ART UNIT 2815	PAPER NUMBER
			MAIL DATE 01/29/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/591,001

**Applicant(s)**

KNAIPP, MARTIN

**Examiner**

EUGENE LEE

**Art Unit**

2815

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 9-20 is/are pending in the application.  
4a) Of the above claim(s) 7 and 9-20 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-6 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 28 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 8/28/06  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I (claims 1-6) in the reply filed on 12/30/08 is acknowledged.

Claims 7, and 9 thru 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/30/08.

### ***Drawings***

2. FIG 4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3, and 4 recites the limitations "the field oxide" and "the field oxide area". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 thru 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujihira 6,097,063. Fujihira discloses (see, for example, FIG. 10) a semiconductor device (high-voltage PMOS transistor) comprising an insulated gate electrode 11, p<sup>+</sup> type source region 18, n-type channel diffusion layer (n-conductive well) 3, p-type semiconductor layer (p-conductive substrate) 4, p<sup>+</sup> type drain region 19, p-type drift region (p-conductive well) 14, and thick insulation film (insulation area) 12.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujihira '063 as applied to claims 1-3, and further in view of Hossain et al. 6,448,625 B1. Fujihira does not disclose a metal layer and via. However, Hossain discloses (see, for example, FIG. 1) a semiconductor device comprising a gate contact (metal layer and via) 118. It would have been

obvious to one of ordinary skill in the art at the time of invention to have a metal layer and via in order to connect the semiconductor device to other devices or have an electrode apply a voltage, etc.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujihira '063 as applied to claims 1-3 above, and further in view of Dudek et al. 7,064,385 B2. Fujihira does not disclose the p-conductive well being more highly doped in the vicinity of the drain than in the external area towards the transistor channel. However, Dudek discloses (see, for example, FIG. 4, and column 9, lines 32-37) a semiconductor device comprising a drain 46, and drain-side portion 40 which has a higher concentration than a source-side portion 38. It would have been obvious to one of ordinary skill in the art to have the p-conductive well being more highly doped in the vicinity of the drain than in the external area towards the transistor channel in order to increase breakdown voltage and reduce resistance.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujihira '063 as applied to claims 1-3 above, and further in view of Evans 6,521,962 B2. Fujihira does not disclose the n-conductive well having lower doping underneath the drain than in the area underneath the transistor channel. However, Evans discloses (see, for example, FIG.2) a semiconductor device comprising a n-type well 14, and an n- high voltage support region (lower doping) 44. It would have been obvious to one of ordinary skill in the art to have the n-conductive well having lower doping underneath the drain than in the area underneath the transistor channel in order to avoid punch-through.

### **INFORMATION ON HOW TO CONTACT THE USPTO**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EUGENE LEE whose telephone number is (571)272-1733. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Parker can be reached on 571-272-2298. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eugene Lee  
January 23, 2009  
/Eugene Lee/  
Primary Examiner, Art Unit 2815

